

APPROVED 9/16/10
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Meeting of the Zoning Board of Appeals held on Thursday, July 15, 2010 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman

Joseph A. Cappucci

Joseph P. Villano

Robert E. Martin, Alternate, sitting for Caren M. Genovese

Cheryl A. Juniewicz, Alternate, sitting for Donald F. Clark

MEMBERS ABSENT:

Caren M. Genovese, Vice Chairman

Donald F. Clark, Secretary

Mary Jane Mulligan, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator

Arthur Hausman, Zoning Enforcement Officer

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer

Sandi Lion, Clerk

AGENDA:

Mr. Hannon, Chairman, opened the meeting at 7:30 PM introduced the members of the Board, the Town staff, the stenographer and clerk. He then explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. Mr. Fredricksen, Land Use Administrator, stated that application #09-15, 48 Giles Avenue, is postponed to the August 19, 2010 meeting.

A-2 SURVEY WAIVERS:

Ms. Juniewicz read the call for the A2 survey waiver.

1. #A2W-10-07 Application of Adam Goldstein, Applicant, Ellyn Kaufman, Owner, relative to 6 Short Hill Road, (Map 25, Lot 52), seeking a waiver of the A2 survey application requirement.

Mr. Goldstein, applicant, presented the application to waive the A2 survey application requirement for a 6' height fence along Whitney Avenue. He stated that the fence provides a buffer from Whitney Avenue. The Board asked questions and Mr. Goldstein responded.

PUBLIC HEARINGS:

1. #09-15 Application of Locust Realty Associates, LLC, Owner and Applicant, relative to 48 Giles Avenue, (Map 28, Lot 13), Appeal of a Cease & Desist Order of the Zoning Enforcement Officer. IG-80 Zoning District.

This application is postponed to the August 19, 2010 meeting.

Ms. Juniewicz read the call for the first Public Hearing.

2. #10-10 Application of Bernard Pellegrino, Esq., Applicant, David Marenga, Owner, relative to 46 Hartley Street, (Map 41, Lot 260), Appeal of a Decision of the Zoning Enforcement Officer, dated April 29, 2010. R-12 Zoning District.

Mr. Hausman, Zoning Enforcement Officer, stated that 46 Hartley Street is a single building lot in an R-12 zoning district. Attorney Bernard Pellegrino, Jr., representing the applicant stated that the lot was originally created as two lots, #48 and #49 and could ultimately house two, single family homes. Prior to 1966, the Assessor combined these two lots into one and the lot is non-conforming with today's zoning regulations. The Board asked questions and Attorney Pellegrino responded. Attorney Pellegrino submitted two letters from neighbors in favor of the two lots along with photographs, exhibits A-C.

Mr. Hannon asked for public comment.

1. Nancy Lyon, 37 Hartley Street, feels the lot should not be sold or built on because it does not conform with today's regulations.
2. Mimi Houston, 33 Hartley Street, is in favor of upholding the Cease & Desist Order. She has traffic and safety concerns and feels that the existing house is excessive in size for this area.
3. John Bianchi, 36 Hartley Street, is concerned with the type of house that could be built and if it would conform with the rest of the neighborhood.

Attorney Pellegrino addressed the public comment.

There being no further public comment, the Public Hearing was closed

DELIBERATION SESSION:

Mr. Villano made a motion to go into deliberations for application #10-10, 46 Hartley Street; Mr. Martin seconded the motion. All were in favor.

PUBLIC HEARINGS:

2. #10-10 Application of Bernard Pellegrino, Esq., Applicant, David Marenga, Owner, relative to 46 Hartley Street.

Mr. Martin moved to uphold the Cease & Desist Order; Ms. Juniewicz seconded the motion. The Commission voted as follows:

Hannon – aye Cappucci - aye Villano – aye Martin – aye Juniewicz – aye

In denying the application the Board stated the following:

1. Insufficient evidence was provided to overturn the town Assessor's or Zoning Enforcement Officer's recognition of this property as a single building lot.

Mr. Martin made a motion to go out of deliberations; Mr. Cappucci seconded the motion. All were in favor.

BREAK: 8:33 – 8:40 PM

Ms. Juniewicz read the call for the second public hearing.

3. #10-12 Application of Bernard Pellegrino, Applicant, David Marenga, Owner, relative to 46 Hartley Street, (Map 41, Lot 260), per Section 2.1.1.9, seeking a lot area variance of 4,500 square feet to allow a lot area of 7,500 square feet where 12,000 square feet is required, and a lot width variance of 30' to allow a 50' lot width where 80' is required. R-12 Zoning District.

Attorney Bernard Pellegrino, Jr., representing the applicant, presented the application to create 46 Hartley Street into two lots. Attorney Pellegrino stated that the hardship is that the lot was originally created as two lots and the change in zoning regulations subsequent to the lot merge by the Assessor. The Board asked questions and Attorney Pellegrino responded. This application included exhibits and photos from application #P10-10.

Mr. Hannon asked for public comment.

1. Mark Houston, 33 Hartley Street, feels the existing house is too large and to build a house next to it would be tight and not conform with regulations or the neighborhood.
2. Mimi Houston, 33 Hartley Street, is concerned with the size of the house that could be built and if it would conform with the neighborhood.
3. John Bianchi, 36 Hartley Street, is concerned with the compliance of the side yard setback requirement.

Attorney Pellegrino responded to the public comment.

There being no further public comment, the Public Hearing was closed.

Ms. Juniewicz read the call for the third public hearing.

4. #10-13 Application of William H. Rich, Applicant, Presto Technologies, Inc., Owner, relative to 441 Sackett Point Road, Parcel A, (Map 35, Lot 21), per Section 5.2.2, seeking a side yard variance of 25' to allow a side yard setback of 0' where 25' is required, and seeking a second side yard variance of 5' to allow a side yard setback of 20' where 25' is required. IG-80 Zoning District.

Mr. Andrew Bevilacqua, P.E. with Diversified Technology Group, presented the application to build a deluge system. He stated that the hardship is that the site layout limits where to build. The Board asked questions and Mr. Bevilacqua and Mr. Fredricksen, Land Use Administrator, responded.

Mr. Hannon asked for public comment.

There being no public comment, the Public Hearing was closed.

Ms. Juniewicz read the call for the fourth Public Hearing.

5. #10-14 Application of William H. Rich, Applicant and Owner, relative to 441 Sackett Point Road, Parcel B, (Map 35, Lot 21), per Section 5.2.2, seeking a side yard variance of 25' to allow a side yard setback of 0' where 25' is required. IG-80 Zoning District.

Mr. Andrew Bevilacqua, P.E. with Diversified Technology Consultants presented the application for a side yard variance of 25' where 25' is required for a deluge system. The Board asked questions and Mr. Bevilacqua and Mr. Fredricksen, Land Use Administrator responded.

Mr. Hannon asked for public comment.

There being no public comment, the Public Hearing was closed.

Ms. Juniewicz read the call the fifth Public Hearing.

6. #10-15 Application of William D. Matthew, Applicant, William D. & Colette M. Matthew, Owners, relative to 200 Bayard Avenue, (Map 41, Lot 21), per Section 2.1.1.9, requesting a 15' front yard variance to allow a front yard setback of 35' where 50' is required. R-20 Zoning District.

No applicant was present. The Board will consider this during deliberations.

DELIBERATION SESSION:

A-2 SURVEY WAIVERS:

1. #A2W-10-07 Application of Adam Goldstein, Applicant, Ellyn Kaufman, Owner, relative to 6 Short Hill Road.

Mr. Villano moved to approve the application; Ms. Juniewicz seconded the motion.
The Commission voted as follows:

Hannon – aye Cappucci - aye Villano – aye Martin – aye Juniewicz - aye

PUBLIC HEARINGS:

3. #10-12 Application of Bernard Pellegrino, Applicant, David Marenga, Owner, relative to 46 Hartley Street.

Mr. Villano moved to approve the application; Ms. Juniewicz seconded the motion.
The Commission voted as follows:

Hannon – nay Cappucci - nay Villano – nay Martin – nay Juniewicz - nay

In denying the application the Board stated the following:

1. The town's Assessor recognizes this property as a single building lot.
2. The Board found that there was no hardship.

4. #10-13 Application of William H. Rich, Applicant, Presto Technologies, Inc., Owner, relative to 441 Sackett Point Road, Parcel A.

Mr. Villano moved to approve the application; Mr. Martin seconded the motion.
The Commission voted as follows:

Hannon – aye Cappucci - aye Villano – aye Martin – aye Juniewicz - aye

In approving the application the Board stated the following:

1. The Board stated that the variance is approved for the health, safety and well being of the employees and the community.
2. The variance is limited to the work of this proposal only.

5. #10-14 Application of William H. Rich, Applicant and Owner, relative to 441 Sackett Point Road, Parcel B.

Mr. Cappucci moved to approve the application; Mr. Villano seconded the motion. The Commission voted as follows:

Hannon – aye Cappucci - aye Villano – aye Martin – aye Juniewicz - aye

In approving the application the Board stated the following:

1. The Board stated that the variance is approved for the health, safety and well being of the employees and the community.
2. The variance is limited to the work of this proposal only.

6. #10-15 Application of William D. Matthew, Applicant, William D. & Colette M. Matthew, Owners, relative to 200 Bayard Avenue.

Mr. Martin moved to continue the application to the August 19, 2010 meeting; Mr. Villano seconded the motion. The Commission voted as follows:

Hannon – aye Cappucci - aye Villano – aye Martin – aye Juniewicz - aye

OTHER: None

CEASE AND DESIST ORDERS:

Mr. Arthur Hausman, Zoning Enforcement Officer, discussed current violations with the Board.

154 Rock Road – keeping of chickens violation

Mr. Hausman stated that this issue has been resolved.

365 Universal Drive, McDonalds – sign violation

Mr. Hausman stated that this issue has been resolved.

MINUTES:

June 17, 2010

Mr. Villano moved to approve the minutes of the June 17, 2010 meeting; Mr. Cappucci seconded the motion; the Board members voted as follows:

Hannon – aye Cappucci – aye Villano – aye

CORRESPONDENCE:

2011 Meeting Dates

Mr. Cappucci moved to approve the 2011 Meeting Dates; Mr. Villano seconded the motion. All were in favor.

ADJOURN:

There being no further business, Mr. Martin moved to adjourn; Mr. Villano seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:22 PM.